IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 5852 of 2006
Date of decision: 20.03.2007

Jagdish Singh

..... Petitioner.

Versus

Bakshish Singh

..... Respondent.

CORAM: HON'BLE MR. JUSTICE M.M. AGGARWAL

Present:- Mr. Malkeet Singh, Advocate
for the petitioner.

Ms. Sangeeta Dhanda,Advocate
for the respondent.

M.M.AGGARWAL, J. (ORAL)

This is petition against the order dated 28.08.2006 passed by Civil Judge (Junior Division), Ludhiana, whereby request of the plaintiff-now respondent for recalling Gurmail Singh and Sajjan Singjh for giving their thumb impressions, was allowed.

On behalf of the petitioner, it is argued that Gurmail Singh and Sajjan Singh were produced by the plaintiff as witnesses. However, they had turned hostile and did not support the case and now the Court cannot recall them for giving their thumb impressions afresh.

On behalf of the respondent, it is argued that the thumb impressions of the witnesses namely Gurmail Singh and Sajjan Singh had been taken but these were ink smudged and the Handwring Expert could not give opinion and as such their presence for giving thumb impressions is necessary and therefore court had allowed the same.

After hearing counsel for the parties, I find that thumb impressions of Gurmail Singh and Sajjan Singh had already been taken but the same were found to be ink smudged, and not readable for the proper comparison. Thus the trial Court allowed the application for re-calling these witnesses.

Dismissed.

However, plaintiff shall be liable to pay Rs.500/- as expenses to each of these two witnesses for again coming present to the Court.

March 20, 2007 **(M.M. AGGARWAL)**
Dinesh **JUDGE**